



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/678,516

10/02/2003

Wataru Shinozaki

03600/LH

1969

1933 7590 09/25/2007  
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

EXAMINER

CAO, PHUONG THAO

ART UNIT

PAPER NUMBER

2164

MAIL DATE

DELIVERY MODE

09/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/678,516

Applicant(s)

SHINOZAKI, WATARU

Examiner

Phuong-Thao Cao

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to Amendment filed on 07/06/2007.
2. Claim 5 has been added. Currently, claims 1-5 are pending.

***Response to Amendment***

3. Amendment to the drawings is effective to overcome the objection to the drawings in the previous office action. Therefore, the objection to the drawings has been withdrawn and submitted drawings have been entered.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 4 (effective filing date 10/09/2002) are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent No 6,774,939, effective filing date 02/29/2000) in view of Nishiyama et al. (Publication No US 2003/0055905, effective filing date 08/29/2002) and Imura et al. (Publication No US 2003/0011687, effective filing date 04/22/2002).

As to claim 1, Peng teaches:

“A data editing apparatus” (see Peng, Abstract and [column 5, lines 56-65]) comprising:

“a storage section” (see Peng, [column 5, lines 31-33] for memory), including:

“a first storage area to store audio data and image data that is linked to a predetermined playback position of the audio data” (see Peng, [column 11, lines 15-20] for memory 120 as a first storage area, and see Fig. 10 for linking between audio data and image data).

However, Peng does not explicitly teach:

“a second storage area to store only image data and no audio data”; and

“link release means for canceling a link between arbitrary audio data and image data linked therewith which are stored in the first storage area”.

On the other hand, Nishiyama et al. teaches a second storage area to store only image data (see Nishiyama et al., [0026] for a directory for storing image data) and a function of deleting the link between the image data and the sound data (see Nishiyama et al., [0075]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nishiyama et al. to Peng's system. Skilled artisan would have been motivated to do so to provide an effective storage system and an additional function for the editing device to manage and manipulate audio and image data and

Art Unit: 2164

their associations or links. In addition, both of the references (Peng and Nishiyama et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, audio files, image files, and link between audio files and image files. This close relation between both of the reference highly suggests an expectation of success.

However, Peng and Nishiyama et al. do not teach:

“moving means for moving the image data, from which the link is canceled from the first storage area to the second storage area when the link is canceled by the link release means, such that the image data from which the link is canceled is no longer stored in the first storage area”.

Imura et al. teaches a function of moving an image file from one storage area to another storage area (see Imura et al., [0012], [0045] and [0079]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Imura et al. to the Peng and Nishiyama et al.'s system to add the feature of moving the image data. Skilled artisan would have been motivated to do provide an effective way to organize and manipulate data in the editing system.

As to claim 4, Peng teaches:

“A computer-readable storage medium having a data editing program stored thereon which is executable by a computer to cause the computer to edit audio data and image data linked to a predetermined playback position of the audio data, wherein the audio data and the image data linked thereto are stored in a first storage area” (see Peng, Abstract, [column 11, lines 15-20] and Fig. 10 for memory 120 as a first storage area).

However, Peng does not explicitly teach:

“a second storage area wherein only image data, and no audio data, is stored in the second storage area”

“canceling a link between arbitrary audio data and corresponding image data stored in the first storage area”.

On the other hand, Nishiyama et al. teaches a second storage area to store only image data (see Nishiyama et al., [0026] for a directory for storing image data) and a function of deleting the link between the image data and the sound data (see Nishiyama et al., [0075]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nishiyama et al. to Peng's system. Skilled artisan would have been motivated to do so to provide an effective storage system and an additional function for the editing device to manage and manipulate audio and image data and their associations or links. In addition, both of the references (Peng and Nishiyama et al.) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, audio files, image files, and link between audio files and image files. This close relation between both of the reference highly suggests an expectation of success.

However, Peng and Nishiyama et al. do not teach:

“moving the image data, from which the link is canceled from the first storage area to a second storage area when the link is canceled by the link release means, such that the image data from which the link is canceled is no longer stored in the first storage area”.

On the other hand, Imura et al. teaches a function of moving an image file from one storage area to another storage area (see Imura et al., [0012], [0045] and [0079]).

Art Unit: 2164

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Imura et al. to the Peng and Nishiyama et al.'s system to add the feature of moving the image data. Skilled artisan would have been motivated to do provide an effective way to organize and manipulate data in the editing system.

7. Claim 2 (effective filing date 10/09/2002) are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent No 6,774,939, effective filing date 02/29/2000) in view of Nishiyama et al. (Publication No US 2003/0055905, effective filing date 08/29/2002) and Imura et al. (Publication No US 2003/0011687, effective filing date 04/22/2002), and further in view of Forster (Publication No US 2003/0167287, effective filing date 04/11/2001).

As to claim 2, Peng, Nishiyama et al. and Imura et al. teach all the limitations as recited in claim 1.

However, Peng, Nishiyama et al. and Imura et al. do not teach “inhibiting means for inhibiting the movement of the image data from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area”.

Forster teaches “inhibiting means for inhibiting the movement of the image data from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area” (see [0041] wherein modified file is not copied into the file collection when modified file is identical to existing file in the file collection represents an inhibiting means).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Forster into Peng, Nishiyama et al. and Imura et al.'s system to include an inhibiting means for inhibiting the movement of the image from which the link is canceled if the same image data as the image data to be moved is already stored in the second storage area. Skilled artisan would have been motivated to do so in order to reduce time and resource cost involved in the moving process and the system therefore proceeds more efficiently and effectively.

8. Claim 3 (effective filing date 10/09/2002) are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent No 6,774,939, effective filing date 02/29/2000) in view of Nishiyama et al. (Publication No US 2003/0055905, effective filing date 08/29/2002) and Imura et al. (Publication No US 2003/0011687, effective filing date 04/22/2002), and further in view of Miller et al. (Publication No US 2003/0018777)

As to claim 3, Peng, Nishiyama et al. and Imura et al. teach all the limitations as recited in claim 1.

However, Peng, Nishiyama et al. and Imura et al. do not teach "wherein when canceling the link information, the link release means rewrites header information of the audio data and rewrite header information of the image data to cancel the link between the audio data and the image data".

On the other hand, Miller et al. teaches "wherein when canceling the link information, the link release means rewrites header information of the audio data and rewrite header information



Art Unit: 2164

of the image data to cancel the link between the audio data and the image data” (see Miller et al., [0075] and [0089] for including link information in file header).

It would be obvious to a person having an ordinary skill in the art at the time the invention was made to incorporate the teaching of Miller et al. into Peng, Nishiyama et al. and Imura et al.’s system to store link data within the audio data and image data, especially in their file header. Skilled artisan would have been motivated to do so to provide an effective and convenient way to manage and control the link information.

9. Claim 5 (effective filing date 10/09/2002) are rejected under 35 U.S.C. 103(a) as being unpatentable over Peng (US Patent No 6,774,939, effective filing date 02/29/2000) in view of Nishiyama et al. (Publication No US 2003/0055905, effective filing date 08/29/2002) and Imura et al. (Publication No US 2003/0011687, effective filing date 04/22/2002), and further in view of Nozaki et al. (US Publication No 2002/0057457, effective filing date 6/5/1998).

As to claim 5, Peng, Nishiyama et al. and Imura et al. teach all the limitations as recited in claim 1 and further teach:

“audio data selecting means for selecting a target audio data to be subjected to link addition in an audio data list display area” (see Peng, Fig. 11, step 808, for selecting an audio file);

“means for selecting image data to be linked with the selected audio data from among the image data stored in the second folder” (see Peng, [column 3, lines 50-55]; and see Nishiyama et al., [0064]);

Art Unit: 2164

“means for deleting the selected image data from the second folder” (see Nishiyama et al., [0075]).

However, Peng, Nishiyama et al. and Imura et al. does not teach:

“means for linking the selected audio data with the selected image data and copying the linked selected audio data and selected image data to the first folder”.

On the other hand, Nozaki et al. teach:

“means for linking the selected audio data with the selected image data and copying the linked selected audio data and selected image data to the first folder” (see Nozaki et al., Abstract and [0082] for linking and copying audio data and image data in the synthesizer).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the teaching of Nozaki et al. into the Peng, Nishiyama et al., and Imura et al.’s system to add the feature of linking and copying the image data and audio data. Skilled artisan would have been motivated to do provide an effective way to organize and manipulate data in the editing system.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong-Thao Cao whose telephone number is (571) 272-2735. The examiner can normally be reached on 8:30 AM - 5:00 PM (Mon - Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**CHARLES RONES  
SUPERVISORY PATENT EXAMINER**

Phuong-Thao Cao  
Art Unit 2164  
September 11, 2007